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JAN 29 2006

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## FAX

DATE: 1/29/06 Our Ref.: 10/656,684

TO: Examiner Philip C. Tucker  
CO.: USPTO Art Unit 1712  
FAX #: 571 273 8300 PHONE #: \_\_\_\_\_  
FROM: Karen Tripp

RE: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_NUMBER OF PAGES: 4 (including coversheet)

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FORM*(to be used for all correspondence after initial filing)*

Total Number of Pages in This Submission 4

Application Number	10/656,684
Filing Date	September 5, 2003
First Named Inventor	Jeff Miller
Art Unit	1712
Examiner Name	TUCKER, PHILIP C.
Attorney Docket Number	HALB:04S

## ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/R/cly	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
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<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> <i>Reply to Missing Parts under 37 CFR 1.52 or 1.53</i>		
Remarks		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Karen B. Tripp, Attorney at Law		
Signature	<i>Karen B. Tripp</i>		
Printed name	Karen B. Tripp		
Date	January 29, 2006	Reg. No.	30,452

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
**Jeff Miller**

Serial No.: **10/656,684**

Filed: **September 5, 2003**

Title: **"Drilling Fluid and Method for Enhanced Suspension"**

§ Group Art Unit: **1712**

§ Examiner: **TUCKER, PHILIP C.**

§ Atty. Docket No.: **HALB:045**

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	<u>1/29/06</u> KAREN TRIPP DATE

INTERVIEW SUMMARY

Sir:

Pursuant to MPEP 713.04, Applicant's counsel submits this summary of a telephone interview conducted with Examiner Philip C. Tucker on January 13, 2006. Inventor Jeff Miller attended the interview as well as the undersigned counsel.

The undersigned sought the interview for clarification of the Examiner's position regarding United States Patent No. 4,777,200 cited by the Examiner. The Examiner has maintained that the drilling fluid taught in the patent would inherently have properties within the scope of Applicant's invention. In Applicant's specification, Applicant discussed this '200 patent reference and provided data comparing and distinguishing the product of the '200 patent. Applicant sought to learn in the interview the type of test data that he would need to provide to the Examiner to satisfactorily dispute the Examiner's position of alleged inherency.

Application Serial No. 10/656,684  
Art Unit 1712 (Attorney Dkt: HALB:045)

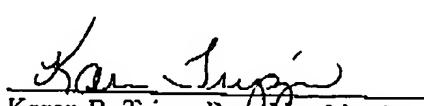
The Examiner advised that in his view the scope of Applicant's claims read on the Dymond patent. The Examiner did not dispute that Applicant had already provided some distinguishing data, but the Examiner remarked that he believed that a broad range of fluid loss agents could be used in the Dymond formulation while Applicant had shown tests with only one. For example, the Examiner named acrylamide and carboxymethyl cellulose as alternative fluid loss control agents not included in Applicant's data.

The Examiner also commented that the Dymond reference did not say that a fluid loss control agent had to be used. Applicant objected to this statement, noting that the Dymond reference used a fluid loss control agent in every example formulation provided and provided no teaching that a fluid loss control agent could be omitted. Further, Applicant advised that the fluid loss control agent he used in his data was the fluid loss control agent one skilled in the art would typically use at the time of the invention and at the time of the Dymond invention. The Examiner reiterated that many fluid loss control agents could be used.

Applicant concluded the interview with a better understanding of the Examiner's position, but not in agreement with it.

Respectfully submitted,

Date: January 16, 2006

  
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